

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**HB 132 - SB 285**

February 23, 2013

**SUMMARY OF BILL:** Provides a minimum fine of \$500 for owning a cock for the purpose of fighting, fighting a cock, or hosting a cock fight. Enhances second or subsequent offenses for owning a cock for fighting, fighting a cock, or hosting a cock fight from a Class A misdemeanor to a Class E felony. Enhances the sentence for attending an animal fight from a Class B misdemeanor to a Class A misdemeanor. Titles Tenn. Code Ann. § 39-14-203 as "The Animal Fighting Enforcement Act."

**ESTIMATED FISCAL IMPACT:**

On February 10, 2013, a fiscal note was issued estimating a fiscal impact as follows:

*Increase State Expenditures – \$85,100/Incarceration\**

Upon further review, it was realized that this impact was in error. The estimated impact is:

**(CORRECTED)**

**Increase State Revenue – Not Significant**

**Increase State Expenditures – \$14,200/Incarceration\***

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures – Not Significant**

**Assumptions:**

- According to statistics from the Administrative Office of the Courts, there has been an average of 3.75 convictions per year for animal fighting over the past four years. The AOC's statistics represent convictions in state trial courts. It is assumed that the number of convictions in state trial courts represent 10 percent of the convictions in general sessions courts. It is assumed that there are 38 total convictions (3.75 convictions x 10) each year for animal fighting. It is assumed that 10 percent (4 offenses) are second or subsequent offenses and that 10 percent of the second or subsequent offenses involve a cock. The bill would result in one admission for cock fighting every 2 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth


of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this bill.

- A recidivism discount of 33.75 percent applies, but due to the low number of aggravated child neglect admissions added by this legislation, the recidivism discount does not impact the incarceration cost.
- According to DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The average time served for a Class E felony is 1.21 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every two years serving 1.21 years (441.95 days) for an annualized total of \$14,180  $[(\$64.17 \times 441.95 \text{ days}) / 2]$ .
- It is assumed that there will be no impact on the District Attorneys General Conference (DAGC) or the District Public Defenders Conferences (DPDC) because of the low number of convictions each year for animal fighting. The DAGC and DPDC will be able to accommodate any increase within existing resources.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in revenue as a result of the mandatory minimum fines for these offenses.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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